

## REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

### Amendments

Claims 1 and 9 have been amended to recite the film components as a Markush group (see original claim 5). These claims have also been amended to refer only to the transmittance of visible light.

The specification at page three has been amended to correct a minor error. No new matter is added.

### Rejections under 35 U.S.C. §112, first paragraph

The previous rejections under §112 were based on claim recitations relating to the reflectance values for visible light, and because the claims recited a combination of all four components in the film.

By these amendments, the rejected claims no longer recite reflectance values; only the transmittance value is recited, and the recitation is supported *verbatim* at page three. The transmittance is very important because the claimed structure is intended to be used as glass, and “[i]f the average transmittance for the visible rays is less than 60%, light transparency of the film is so low that a sufficient range of view or sight cannot be assured.” Thus, the claimed glass panel is intended to function as much as normal glass, for purposes of viewing, and so the transmittance of light through the glass must be sufficiently high to achieve that end, as taught by the specification. Accordingly, the rejection based on the reflectance values can now be withdrawn.

Also by these amendments, the components of the film have been recited as a Markush group. Nevertheless, applicants traverse the rejection because original claim 5 uses conventional Markush-type language, and there is nothing in the specification to indicate that mixtures of the various oxides (optionally containing fluorine, tin, or antimony) cannot be used. Further, the art uses similar

or the same materials, and so one of ordinary skill in the art would understand that a film could including a combination of all four of these components. This rejection should also be withdrawn.

The prior art rejections were over, individually or a combination, Taga (GB 2 122 919 A) and Friedman (*et al.*). As shown in Applicants' response filed 7 September 2004, the reflectance of the Taga glass at the 1500nm, 2500nm, and 3000nm wavelengths is completely outside of the range presently claimed. Taga is directed to a coating that *absorbs* IR (page 13, lines 55-61) whereas the present claims recite an article that essentially reflects more IR than is absorbed and/or reflected (including in combination). Friedman provides no data on reflectance, and so no data on reflectance as a function of wavelength. Contrasting Taga and the present invention, and while still traversing the *de minimis* disclosure of any sort of fire protection glass, it is clear that some heat-shielding glass absorbs IR (Taga) and some reflects IR (the present invention). Any teaching in Taga that the shielding properties can be varied is merely an invitation to experiment. The statement in the 09/21/2004 Office action (¶7) as to the obviousness of seeking a non-infrared emissive material misses the point that the present panel does emit IR: it is reflected back to the source. Rather, as shown, non-infrared transmissive materials can achieve that property by absorbing IR (Taga) or by reflecting the IR back to the source (present invention). Accordingly, the present claims are novel, and would not have been obvious, over the Taga or Friedman, alone or in combination.

In light of the foregoing, further and favorable action, in the form of a notice of allowance, is believed to be in order, and such action is earnestly solicited.